Docket No.: DE 020074

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REMARKS

I. INTRODUCTION

Claims 1-9 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 1, 2, and 6 under 35 U.S.C. § 102(b) as unpatentable over U.S. Pat. No. 5,785,650 to Akasaka et al. (hereinafter "Akasaka"). (See 4/3/07 Office Action, p. 2).

Akasaka is directed toward a system for providing a medical organization, via a communication network, with a variety of medical data measured from an in-home patient monitor. Akasaka defines a stationary home unit that transmits patient data to a central unit monitored by medical personnel. In Akasaka, a patient at home may attach the home unit to him or herself to monitor health information, and transmit said information to the central unit. Medical personnel monitor data transmitted to the central unit and provide care based on the received data. (See Akasaka Abstract).

Claim 1 recites an "alarm means arranged to trigger an alarm signal upon a detection of said feature by the detection means." The Examiner states that this recitation of claim 1 is disclosed in Akasaka at column 4, line 34 to column 5, line 15. (See 4/3/07 Office Action, p. 2). Applicants respectfully disagree. This passage from Akasaka states,

> The vital sign detector incorporates a small-sized battery and continues to transmit a constant electrical signal as long as the detector can detect normal vital signs from the patient's body. If the patient stays within a predetermined area, the home unit 12 can receive the electrical signal representative of the vital signs. As long as the home unit continues to detect the electrical signal, which confirms that the patient is alive, the home unit 12 does not generate any response. However, once the detection

> of the signal is discontinued, the home unit 12 will automatically transmit an emergent signal to the center unit 14 without investigating the reason for the discontinuance.

However, Applicants submit that the alarm-signal from claim 1 is different from the emergent signal as stated in Akasaka.

Akasaka describes a vital sign detector that transmits a constant electrical signal to the home unit. The detector transmits the electrical signal as long as normal vital signs are detected. In the event that the electrical signal representing the vital signs is no longer detected, either because normal vital signs are not detected or because the patient has left a pre-determined area, the home unit transmits an emergent signal to the central unit. That is, Akasaka discloses a method including detection of the absence of a normal condition signal. This method is the direct opposite of what is claimed in claim 1. Claim 1 recites an alarm means that is only activated upon the detection of a certain feature by the detection means. Akasaka does not disclose detection of a feature by a detection means. The absence of something cannot be construed as a feature of something. Applicants submit that an emergent signal, transmitted from the home unit to the central unit, triggered in the absence of a constant signal as stated in Akasaka is not the same as an alarm signal sent, from the monitor means to the home unit, upon the detection of a certain feature.

Thus, it is respectfully submitted that Akasaka does not disclose or suggest an "alarm means arranged to trigger an alarm signal upon a detection of said feature by the detection means" as recited in claim 1. Accordingly, Applicants respectfully request that the Examiner should withdraw the 35 U.S.C. § 102(b) rejection of claim 1. Because claims 2 and 6 depend from, and therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

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III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,785,650 to Akasaka et al. in view of U.S. Patent No. 6,287,252 to Lugo. (See 4/3/07 Office Action, pp. 2).

Claims 3 and 4 depend from, and therefore, include all the limitations of claim 1; since Lugo does not overcome the deficiencies noted above in Akasaka, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,785,650 to Akasaka et al. in view of U.S. Patent No. 5,348,008 to Bomn et al. (hereinafter "Bomn"). (See 4/3/07 Office Action, pp. 3).

Claim 5 depends from, and therefore, includes all the limitations of claim 1; since Bomn does not overcome the deficiencies noted above in Akasaka, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,785,650 to Akasaka et al. in view of U.S. Patent No. 6,351,671 to Myklebust et al (hereinafter "Myklebust"). (See 4/3/07 Office Action, pp. 3).

Claim 7 depends from, and therefore, includes all the limitations of claim 1; since Myklebust does not overcome the deficiencies noted above in Akasaka, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,785,650 to Akasaka et al. in view of U.S. Patent Publication No. 2003/0171661 to Tong . (See 4/3/07 Office Action, pp. 3).

Claim 8 depends from, and therefore, includes all the limitations of claim 1; since Tong does not overcome the deficiencies noted above in Akasaka, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,785,650 to Akasaka et al. in view of U.S. Patent Publication No. 2003/0171661 to Tong in further view of U.S. Patent No. 5,348,008 to Bornn et al. (See 4/3/07 Office Action, pp. 3-4).

Claim 9 depends from, and therefore, includes all the limitations of claim 1; since neither Tong nor Bornn overcome the deficiencies noted above in Akasaka, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

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CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,

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